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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,591	Applicant(s) KARLSSON ET AL.	
	Examiner JIMMY T. NGUYEN	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/24/11.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 and 30 is/are allowed.
- 6) ☒ Claim(s) 25-27, 29, and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 24, 2011 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25-27, 29, and 31-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 25 and 33, the original disclosure does not provide support for the amended limitation, "said interspace being capable of being sealed during operation" or how does the interspace being sealed during operation. This is new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-35 and 37, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 2,107,587).

Smith discloses an apparatus for locally increasing pressing pressure on a press tool (g) comprising: a clamping surface (of ref. [f]) in a press, the clamping surface being adapted for clamping an abutment surface on the press tool thereagainst (page 1, col. 1, lines 47-51) and for performing reciprocal movements for operating the press tool between an open position and a closed pressing position (fig. 1); a power unit (k) provided between the clamping surface in the press and the abutment surface of the tool (fig. 1); the power unit is of flat configuration (fig. 1) and recessed in the clamping surface (fig. 1 and page 1, col. 2, lines 19-20), said power unit being connected to a source of pressurized hydraulic fluid (page 1, col. 2, line 33); the power unit is smaller than the abutment surface (fig. 1), said power unit comprising at least two plates (fig. 1) defining an interspace between said at least two plate (fig. 1); said interspace being capable of being sealed (fig. 1 and page 1, col. 2, lines 28-37) and being capable of being filled and pressurized (page 1, col. 2, lines 32-36) by means of said pressurized hydraulic fluid, and the interspace is in communication with a source of pressurized hydraulic fluid (page 1, col. 2, line 33).

Claims 25-27, 29, and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Müsse (US 6,752,901).

Regarding claims 25-27, 29, and 32, Müsse discloses an apparatus comprising: a clamping surface (of ref. # 16), a press tool (15) having an abutment surface (fig. 1) (note that the claim does not specifically define the abutment surface is from one end of the tool to the other end of the tool; therefore, the Examiner interprets the claimed abutment surface is a middle portion of the tool (15) as shown in fig. 6), the abutment surface (as defined by the Examiner as noted above) being smaller than the clamping surface of the press (fig. 1), a power unit (1) provided in a contact region between the clamping surface in the press and the abutment surface of the tool (fig. 1); the power unit being configured on activation to press away from the clamping surface at least a part of the abutment surface of the tool (col. 3, lines 6-9), the power unit is of flat configuration (fig. 2) and recessed in the clamping surface (fig. 1), said power unit being connected to a source of pressurized hydraulic fluid (fig. 2); said power unit comprising at least two plates (2 and 3) defining an interspace between said at least two plate (fig. 2); said interspace being capable of being sealed (figs. 2-4) and being capable of being filled and pressurized (figs. 2-3) by means of said pressurized hydraulic fluid; the two plates being circumscribed by and being fastened to a frame member (4) extending along peripheries of the plates (col. 6, lines 1-4), the upper plate has a throughhole (fig. 2) for supplying a pressurized fluid to the interspace.

Regarding claims 33-37, Müsse discloses an apparatus comprising: a clamping surface (of ref. # 16), a press tool (15) having an abutment surface (fig. 1), the clamping surface being adapted for clamping the abutment surface on the press tool thereagainst (fig. 1) and for

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performing reciprocal movements (by ref. # 23) for operating the press tool between an open position and a closed pressing position (fig. 1); a power unit (1) provided between the clamping surface in the press and the abutment surface of the tool (fig. 1); said power unit being connected to a source of pressurized hydraulic fluid (fig. 2); the power unit is smaller than the abutment surface (figs. 1 and 6), said power unit comprising at least two plates (fig. 1) defining an interspace between said at least two plate (fig. 1); said interspace being capable of being pressurized (page 1, col. 2, lines 32-36); said interspace being capable of being sealed (figs. 2-4) and being capable of being filled and pressurized (figs. 2-3) by means of said pressurized hydraulic fluid; and the power unit is of flat configuration (fig. 2) and recessed in the clamping surface (fig. 1), the two plates being circumscribed by and being fastened to a frame member (4) extending along peripheries of the plates (col. 6, lines 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-27, 29, 31-32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 2,107,587) in view of Müsse (US 6,752,901).

Smith discloses an apparatus for locally increasing pressing pressure on a press tool (g) which, by means of an abutment surface thereon (fig. 1), is clampable against a clamping surface (of ref. [f]) in a press, said apparatus comprising: the clamping surface being adapted for

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performing reciprocal movements for operating the press tool between an open position and a closed pressing position (fig. 1); the abutment surface of the press tool being smaller than the clamping surface in said press (fig. 1); a power unit (k) provided in a contact region between the clamping surface in the press and the abutment surface of the tool (fig. 1); the power unit is of flat configuration (fig. 1), said power unit being configured on activation to press away from the clamping surface at least a part of the abutment surface on the tool (page 1, col. 2, lines 27-37) ; the power unit is smaller than the abutment surface (fig. 1), said power unit comprising at least two plates (fig. 1) defining an interspace between said at least two plates (fig. 1). The interspace being capable of being sealed (fig. 1 and page 1, col. 2, lines 28-37) and being capable of being filled and pressurized (page 1, col. 2, lines 32-36) by means of a pressurized hydraulic fluid.

Smith does not expressly disclose that the two plates being circumscribed by and being fastened to a frame member extending along peripheries of the plates. However, the patent to Müsse can be apply to teach a power unit (1) having two plates (2 and 3, see figs. 2 or 7), and the two plates being circumscribed by and being welded to a frame member (4) extending along peripheries of the plates (col. 6, lines 1-6 and col. 7, lines 21-25). Therefore, it would have been an obvious matter of design choice to fasten the plates of Smith together by a frame, as taught by Müsse, since such construction of a power unit is old and well know in the mechanical art and both constructions of the power unit work equally as well, one skilled in the art would make a choice for convenience or economic reason.

As to the upper plate has a throughhole for supplying a pressurized fluid to the interspace, Smith does not expressly disclose a location on the power unit for supplying the pressurized fluid. Müsse can also be applied to teach a throughhole on an upper plate (2) for supplying a

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pressurized fluid to an interspace (fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the upper plate of Smith with a throughhole, as taught by Müsse, in order to conveniently supplying the pressurized fluid to the interspace.

Allowable Subject Matter

Claims 28 and 30 are allowed.

Response to Arguments

Applicant's arguments filed April 11, 2011 have been fully considered but they are not persuasive.

Applicant argued that Musse fails to disclose a clamping surface and an abutment surface as claimed. This argument is not found persuasive because when an upper platen (16) moves down to press against a lower platen (17), every element in between them are “clamped” together; and thus, each of them has a clamping surface and a surface opposite from the respective clamping surfaces is an abutment surface. In this case, the Examiner defined an abutment “surface” of a press tool (15) is a center surface portion (not the entire surface) of the press tool that faces a bottom surface of the upper platen (16), and the entire portion of the bottom surface of the upper platen is a clamping surface as claimed. The abutment surface as defined above is clearly smaller than the clamping surface as defined above (see fig. 1). Musse discloses a power unit (1) positioned between the abutment surface and the clamping surface as

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noted above. When the power unit expanded (fig. 4), it does press away from the clamping surface “at least part” of the abutment surface of the tool. Accordingly, Musse does disclose the invention as claimed in claim 25.

Applicant further argued that both of Musse and Smith fail to disclose the amended limitation, “the interspace being capable of being sealed during operation”. This argument has been considered. However, the original disclosure does not provide support for such feature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIMMY T. NGUYEN whose telephone number is (571)272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Fri. 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Dana Ross can be reached on (571) 272- 4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

JTNguyen
May 31, 2011

/JIMMY T NGUYEN/
Primary Examiner, Art Unit 3725